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HEADQUARTERS
UNITED STATES MILITARY ASSISTANCE COMMAND, VIETNAM
APO SAN FRANCISCO 96222
OFFICE OF THE ASSISTANT CHIEF OF STAFF, CORDS

MACCORDS-RAD

20 November 1967

SUBJECT: HES Newsletter

TO: All Province and District Advisors

1. (U) GENERAL: Since the Hamlet Evaluation System (HES) began in January 1967, emphasis has been on developing the HES data base and perfecting the operation of the system. Since August, however, the data base and system efficiency have progressed to the extent that limited analysis of HES data could be initiated. The purpose of this summary is to inform field personnel who have provided the most significant contribution to HES—the basic data input—of the utilization of their evaluations as well as the current status of HES.

2. (U) COMMENTS ON SEPTEMBER HES DATA:

a. There were only minor HES changes reported in September, however those reflect favorable pacification trends in both hamlets and population.

b. III Corps reported its first "A" hamlet in 5 months.

3. (C) SPECIAL ANALYSIS:

a. HES Versatility: HES was conceived originally to evaluate pacification at the hamlet level based on a combination of security plus development considerations. As the data base grows, however, and making full utilization of the systems highly flexible automated capabilities, it is possible to perform many interesting analyses based on detailed compilations of the various 18 indicators. Security status alone may be compared with development status, or, any single indicator or groups of indicators may be singled out for special study. The following analyses demonstrate this capability:

(1) HES Population Analysis (Incl 1). (Security and Development vs Security)

(2) I Corps Evaluation (Incl 2).

(3) III Corps Evaluation (Incl 3).

b. Effect of VC Incidents on HES Reporting: The analysis at Incl 4 matches HES scores to VC incidents as reported in the Public Safety Division (PSD) Weekly Highlight Report for the period 29 Aug to 4 Sep 67. Conclusions of the analyst indicates that HES evaluators in the field are carefully monitoring VC activity in their respective areas.

c. VC Campaign in Quang Nghai Province, I Corps: The analysis at Incl 5 tracks the August and September VC incursions on the Tu Nghia District through the eyes of HES. An examination of reported HES security ratings impressively confirms that the VC campaign was expressly mounted to disrupt RD efforts and morale. This evaluation also demonstrates the responsiveness of the HES to local conditions.

Army review(s)
completed.

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GROUP 4
DOWNGRADED AT THREE-YEAR
INTERVALS. DECLASSIFIED 12
YEARS AFTER DATE OF ORIGIN

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d. Average Hamlet Population: The table below shows the average population of hamlets in each of the seven HES hamlet categories. The table shows that, generally speaking, the largest hamlets are controlled by the GVN while hamlets controlled by the VC have small population.

A	3037	Inhabitants/Hamlet	
B	1835	"	"
C	1289	"	"
D	946	"	"
E	698	"	"
VC	705	"	"
NE	507	"	"

4. (U) DEVELOPMENTS:a. Use of HES by Tactical Units:

(1) US 1st, 9th and 25th Infantry Division G5 representatives recently requested and received copies of HES computer reports from MACCORDS to assist in planning tactical operations.

(2) The HES was designed initially to evaluate pacification status and its use by tactical units is a promising development. At present, HES reports are produced by computer and are quite limited, nevertheless, if HES data are useful for operations planning and additional copies are required by tactical units, HES report production will be expanded.

b. HES Population Control:

(1) In order to adapt HES pacification terminology A through E to terms which have military significance thereby appealing to a wider group within the command, the following technique is being used:

<u>Secure</u>	<u>Contested</u>	<u>VC Control</u>
A & B & C Hamlet Pop plus Secure Non-Hamlet Pop	D & E Hamlet Pop plus Contested Non-Hamlet Pop	VC Hamlet Pop plus VC Non-Hamlet Pop

(2) The chart at Incl 6 depicts population control statistics for 1967 according to this procedure. Table at Incl 7 provides a comparison of June and September HES population data.

c. Status of PACES: HES is the cornerstone of the Pacification Evaluation System (PACES). The following summaries relate the development status of two PACES sub-systems both of which utilize HES data.

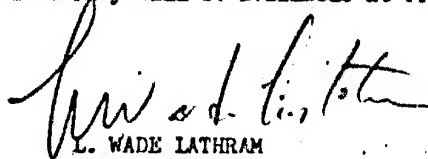
(1) Territorial Force Evaluation System: By direction of Ambassador Komer, Deputy to COMUSMACV for CORDS, work has begun on design of the Territorial Force Evaluation System (TFES). The TFES will be a system for evaluating the effectiveness of Regional Force/Popular Force (RF/PF) units at the lowest practicable levels. The system will be implemented in January, 1968, with first reports due in Saigon by mid-February. The initial implementation will concentrate heavily on obtaining accurate descriptive data pertaining to RF/PF units--such as UTM location of units, mission(s) of units, status of weapons and equipment, and deployment data such as number and location of outposts, checkpoints, etc. The effectiveness evaluative portion of the initial TFES will be a simple, five point subjective evaluation of the unit's effectiveness in performing its assigned mission(s). It is planned that the TFES will be expanded and improved during 1968 after achieving the initial system objectives.

(2) Area Assessment System: The Area Assessment System (AAS), currently under development, is designed to describe the entire area of RVN in terms of critical pacification factors. This automated system uses a square kilometer as its base unit in contrast to hamlet center of mass used in the HES. For the past several months, computer overlay plots have been made of hamlet locations recorded in HES according to the A through E/VC

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terminology and in two scales - 1:1,000,000 and 1:250,000. During the month of October, Province Senior Advisors contributed to a new AAS procedure which will replace the hand-drawn area control map. In the future each PSA will up-date a 1:250,000 plot of his province which indicates area control by a numeric code. It is estimated that automation of the present hand-drawn process will reduce by a factor of ten the man-power expenditure at all levels. Copies of the new AAS area control overlay will be available at Province and Corps levels.



L. WADE LATHRAM
ACofS, CORDS

7 Incl
as

cc: Deputy to COMUSMACV for CORDS
Deputy CORDS I CTZ
Deputy CORDS II CTZ
Deputy CORDS III CTZ
Deputy CORDS IV CTZ

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HES POPULATION ANALYSIS
(Security and Development vs Security)

The following chart, based on August HES data, reflects the percentage of population relatively secure, by province, according to two rating procedures.

(1) Security and Developmental indicator scores.

(2) Security indicator scores only. Secure population within a province is calculated by a total of:

(a) A, B, and C hamlet population.

(b) Secure non-hamlet population.

Corps	Province	Prov ID	No. of Districts	Total Pop (Thousands)	Percent Secure	
					Security & Development	Security Only
I	Quang Tri	101	7	284.7	65%	60%
	Thua Thien	102	10	449.0	56	56
	Quang Nam	103	9	854.3	38	44
	Quang Tin	104	6	363.6	38	38
	Quang Ngai	105	10	736.3	53	55
II	Hue	191	1	150.0	100	100
	Danang	192	3	243.9	100	100
	Kontum	206	4	97.0	80	80
	Binh Dinh	207	9	909.5	65	71
	Fleiku	208	3	182.9	61	63
	Phu Bon	209	3	59.4	82	83
	Phu Yen	210	7	315.2	68	67
	Darlac	211	4	209.3	72	77
	Khanh Hoa	212	6	354.3	93	93
	Ninh Thuan	213	4	156.1	89	87
	Tuyen Duc	214	3	95.2	64	65
	Quang Duc	215	4	30.2	51	69
	Lam Dong	216	3	66.7	72	66
	Binh Thuan	217	7	262.8	88	89
	Cam Ranh	293	1	46.4	100	100
III	Dalat	294	1	77.7	100	100
	Binh Tuy	318	3	59.6	81	81
	Long Khanh	319	3	140.4	86	85
	Phuoc Long	321	4	46.2	62	66
	Binh Long	322	3	76.4	54	58
	Binh Duong	323	6	227.4	65	68
	Tay Ninh	324	4	304.9	97	98
	Hau Nghia	325	4	201.8	44	47
	Bien Hoa	326	6	367.7	85	88
	Phuoc Tuy	327	5	124.7	63	58
	Long An	328	7	414.0	28	28
	Gia Dinh	329	8	1,037.5	68	89
	Vung Tau	395	1	69.1	100	100
	Saigon	396	1	2,204.9	100	100
IV	Go Cong	430	4	167.3	55	69
	Kien Tuong	431	4	50.4	56	61
	Kien Phong	432	5	305.6	46	45
	Dinh Tuong	433	7	577.8	42	43
	Kien Hoa	434	9	572.6	45	42
	Vinh Binh	435	7	409.3	41	48
	Vinh Long	436	7	475.5	55	55
	An Giang	437	4	481.0	100	100
	Kien Giang	438	7	375.2	60	65
	Chuong Thien	439	5	273.0	23	30
	Phong Dinh	440	6	441.0	50	47
	Ba Xuyen	441	6	447.8	53	56
	An Xuyen	442	6	261.2	26	6
	Bac Lieu	443	4	257.0	43	45
	Chau Doc	444	5	467.5	76	80
	Sa Dec	446	4	256.2	71	64

CONFIDENTIALHES ANALYSIS OF PACIFICATION IN I CORIS: MARCH - AUGUST 1967

The overall evaluation of I CTZ pacification activity based on HES reporting indicates a generally static picture during the period March through August 1967, however a detailed analysis of HES data does indicate some moderate progress, as indicated below:

a. A compilation of HES security and development ratings for this reporting period remained at an overall C rating. There was, however, an increase of A and B hamlets, from 6% in March to 11% in August, with a corresponding regression in D and E hamlets, i.e., 26% in March to 21% in August.

b. The number of identified population centers has increased from 2395 hamlets in March to 2447 hamlets in August (population increase: 2.8 million to 3.1 million). During this period the percentage of VC control has shown significant decreases (hamlets 46% in March to 40% in August and population 29% in March to 26% in August).

c. The RD Team effort for I CTZ shows slow progress and it appears that the GVN 1967 goals will not be realized. Approximately 260 hamlets have been selected for development in the GVN 1967 program, however, as of August, only 24 hamlets (9.2%) have completed required criteria. Moderate gains have been accomplished in the RD Program, i.e., an increase of A, B, and C hamlets from 64% in March to 72% in August with a corresponding regression in the number of D and E hamlets.

d. GVN governmental management had a 4% increase in the amount of population classified as having the essentials of government such as elected resident hamlet chiefs and village councils.

e. A 6% increase in amount of population affected by efficient hamlet self defense planning and organization providing the citizens with adequate defense forces and police security.

f. Moderate progress was noted in public works and economic development; the A, B, and C responses in these areas increased from 15% of total population to 23%.

h. 2

CONFIDENTIAL**HES ANALYSIS OF PACIFICATION PROGRESS (III CTZ) (y) 27 Sep 1967**

1. (C) Although the overall evaluation of III CTZ pacification activity based on HES reporting indicates a generally static picture during the period March through August 67, a more detailed analysis of HES data indicates moderate gains in development status. The information contained below seeks to compare security status as opposed to development status without consideration of developments in Saigon.

2. (C) A compilation of HES security ratings for the period March through August 1967 remained at an overall C rating while development ratings have shown a definite upward trend. Specifically, there was an increase of B category hamlets, from 15% in March to 21% in August, with a corresponding regression in the number of C and D category hamlets (60% in March to 50% in August) as a result of development progress. In no case, however, have security and development factor ratings progressed sufficiently to designate hamlets within the A category.

3. (C) While the number of identified population centers has increased from 1784 hamlets during March to 2112 hamlets during August (population increase: 2.69 million to 2.9 million), the percentage of VC controlled hamlets (22%) and population (8%) has remained constant.

4. (C) The RD Team effort for III Corps shows slow progress and it appears that the GVN 1967 goals will not be realized. Approximately 230 hamlets have been selected for development in the GVN 1967 program, however, as of August, only 22 hamlets (9.5%) have completed required criteria.

5. (C) Of particular interest during the period evaluated, the GVN appears to be more responsive to the hamlet citizens' grievances and popular aspirations as evidenced by an upgrading of D and E category hamlets to B and C category as indicated by the chart below:

<u>HAMLETS</u>	<u>MAR 67</u>	<u>AUG 67</u>
D & E	874	680
B & C	399	623

Incl 3

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CONFIDENTIALTHE RESPONSIVENESS OF HES TO HAMLET VC INCIDENTS

1. In an effort to verify HES responsiveness to hamlet VC activities, HES data was compared with a VC incident list (PSD Weekly Highlight Report) for the week of 29 Aug to 4 Sep 67. The following table summarizes the results of this comparison.

# of identifiable hamlet incidents in RVN	Hamlets rated as VC in HES	No reporting change in HES and change not expected	Change in HES as expected	No change in HES but change was expected	Change in HES but not as expected
81	12	30	17	18	4

Of these 81 incidents, 59 (12 + 30 + 17) or 73% were adequately reflected in HES, while 22 (18 + 4) were not.

2. The changes in HES associated with the following incident are typical of responsive reporting. "On August 31 at 0030 hours, two guerrilla squads entered Dai Loi Hamlet, Ban Thuan District, Binh Thuan Province, and almost completely annihilated the hamlet elementary school with explosives." The hamlet rating for indicator 1c, "VC military incidents affecting hamlet" fell from a B in July to a D in August. In addition, in September the "Village VC guerrilla unit" indicator (1a) dropped from a B rating to a D. This one month lag was perhaps due to the subsector advisor's investigation of the incident and subsequent determination that it was due to stronger village VC activity.

3. On the other hand, the VC shelling of a provincial capitol resulted in hundreds of casualties but prompted no change in these B rated hamlets. As a minimum, the evaluator's responses to "VC military incidents affecting hamlet" should have dropped.

4. Although the week analyzed may be atypical due to the elections, it was encouraging to note that in general HES realistically reflects hamlet activities. In the future more detailed analyses of HES data will be conducted.

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HES ANALYSIS OF THE AUGUST AND SEPTEMBER 1967 VC CAMPAIGN IN TU NGHIA DISTRICT, QUANG NGHAI PROVINCE (22 OCT 1967)

1. (C) The 30 Sep 1967 Special Joint Report (SJR) describes the VC campaign in Tu Nghia District, and the SJR postulates that this campaign was directed primarily against RD Cadre. (See Figure 1)

2. (C) The analysis which follows treats each hamlet in Tu Nghia District which experienced significant decline in security, as measured by HES. Sixteen hamlets* within six villages required analysis. Column 1 of Table I lists each hamlet by name and UTM. The table presents HES security scores for July, August, and September and gives the GVN RD hamlet classification. (The security scores range from a 5.00-best through a 1.00-worst). Factors contributing to a security score appear as the column headings in Table II. Every hamlet in this analysis was visited and evaluated by a subsector advisor during each of the three months.

3. (C) With a single exception, Nhu Mang, each hamlet analyzed was an RD hamlet. This fact supports the SJR assumption that the VC campaign was expressly mounted to disrupt RD efforts and morale. An examination of security scores in Table I, impressively confirms by HES the VC campaign. For example, the security score of Hung Nhon Bac declined from 4.22 in July to 1.78 in August and recovered only slightly in September.

4. (C) Table II considers this decline by security factor. As an example, the values of the factors "external VC forces" and "VC military incidents affecting hamlet" taken together define an overt VC campaign against Hung Nhon Bac. The July and August values (B-E) of the factor "hamlet citizens defense plan" also document the collapse of the established hamlet self defense plan in Hung Nhon Bac.

5. (C) An interesting case is the village of Tu Binh which is made up of four hamlets, three of which are included in the district VC campaign. The HES data reveals that the lone hamlet spared in this VC campaign has a marginal VC infrastructure. Each of the remaining three hamlets, however, had characteristically effective VC infrastructures.

*Sixteen out of a total of 58 hamlets in Tu Nghia District

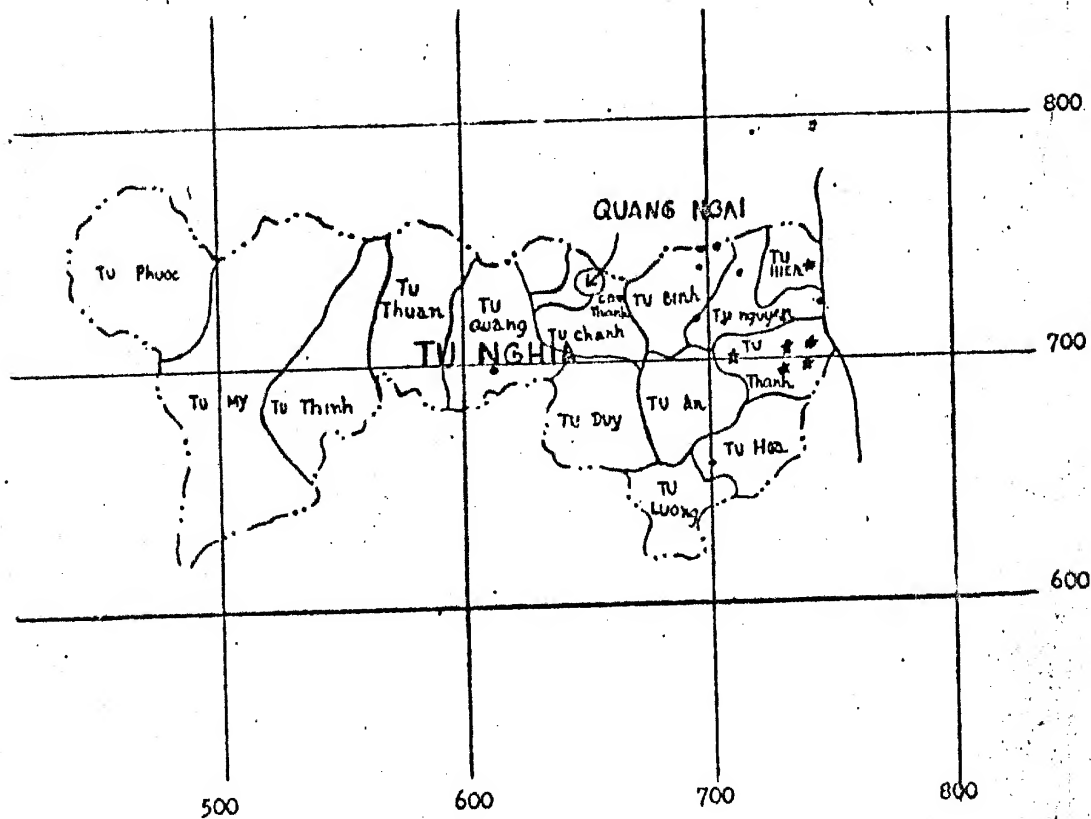
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VC Campaign in Tu Nghia
(As reported in HES)

Figure 1



LEGEND:

• Hamlets overrun by
VC in August 67

*Hamlets overrun by
VC in September 67

SCALE: 1:252,800

TU NGHIA DISTRICT
QUANG NGAI PROVINCE

GROUP 4
Downgraded at 3 year
interval; declassified
after 12 years.

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TABLE I

SECURITY SCORES

<u>HAMLET</u>	<u>HES Hamlet Security Scores (1)</u>			<u>GVN</u>
	<u>JULY</u>	<u>AUGUST</u>	<u>SEPTEMBER</u>	<u>RD TYPE (2)</u>
Thien My BS 700745	4.00	1.44	1.89	ATS
Thanh Lien BS 695735	3.56	1.89	2.22	ADM
Doan Ket BS 684726	4.11	2.33	2.22	ACC
Mhu Nang BS 700655	3.78	2.33	2.33	—
Pho An BS 745735	3.33	3.33	1.78	ACC
To Phu BS 735735	3.56	1.44	1.44	ATS
Ho Thanh BS 710733	4.00	1.78	2.00	ACC
Hung Nhon Bac BS 725728	4.22	1.78	2.11	ADM
Hung Nhon Nam BS 725715	3.56	2.67	2.78	ACC
Xuan Quang 1 BS 707720	3.89	1.67	2.33	ACC
Fhu Cuong BS 731704	4.00	4.00	2.78	ACC
Thu In BS 732707	3.78	3.78	2.22	ACC
Phuoc Long BS 720700	3.89	3.89	3.11	ACC
Ha Khe BS 732695	3.78	3.78	2.78	ACC
Tan Dai BS 720690	3.78	3.78	2.67	ACC
Nghia An Tay BS 616698	3.11	1.56	1.56	ACC

NOTES:

1. Security Scores represent an average derived from nine indicators, each ranging from 5-best to 1-worst.
2. ADM = Ap Doi Moi, ATS = Ap Tah Sinh, ACC = Ap Cung Co

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TABLE II

SECURITY FACTORS (1)

	VILLAGES VC GUERRILLA ACTIVITY	EXTERNAL VC FORCES	VC MILITARY INCIDENTS AFFECTING HAMLET	VC HAMLET INTRA- STRUCTURE	VC VILLAGE INTRA- STRUCTURE	VC TERRITORY AND TAXATION	HAMLET CITIZENS' DEFENSE PLAN	PRINCIPAL EXTERNAL FORCE ASSISTANCE	PRINCIPAL HAMLET INTRA- STRUCTURE
Thien My ES 700745	B-E-C	A-E-E	B-E-E	C-E-E	B-E-E	C-E-E	B-E-E	A-D-D	B-B-C
Thanh Lien BS 695735	B-B-B	A-E-D	D-E-E	C-E-D	B-D-D	D-D-E	B-E-C	A-D-D	C-C-C
Doan Ket BS 684726	B-B-B	A-E-D	B-E-E	B-E-E	B-B-D	C-C-C	B-E-E	A-D-D	B-B-B
Khu Nang BS 700655	B-B-B	A-E-E	B-E-E	B-C-C	B-C-C	C-C-C	B-E-E	C-D-D	C-C-C
Pho An BS 745735	C-C-D	C-C-E	B-B-E	B-B-D	B-B-D	C-C-E	C-C-C	C-C-D	C-C-D
Co Phu BS 735735	C-D-D	B-E-E	B-E-E	B-D-E	B-D-E	C-E-E	B-E-E	C-D-E	C-E-E
Ho Thanh BS 710733	B-C-C	B-E-D	B-E-E	B-C-C	B-D-D	C-E-E	B-E-D	A-D-D	B-D-D
Hung Ngon Bac BS 725723	B-D-C	A-E-E	B-E-E	B-D-D	B-D-D	B-C-C	B-E-C	A-D-D	B-D-D

NOTE: A given entry of Table II consists of July, August, and September evaluations, respectively, for the given factor by hamlet. These evaluations are based on an A-best through E-worst scale.

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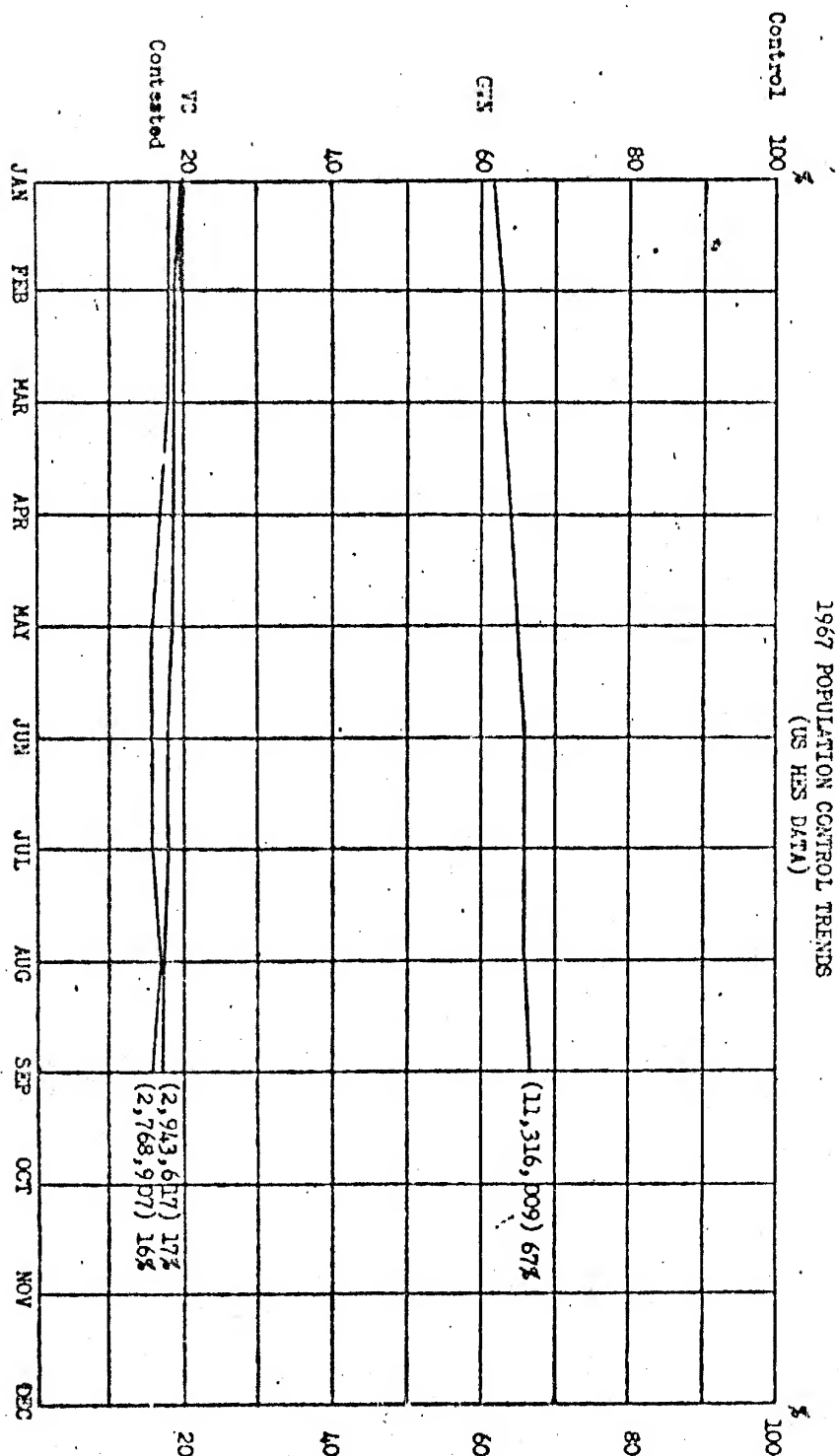
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SECURITY FACTORS
(TABLE II con't)

	VILLAGE VC GUERRILLA ACTIVITY	EXTERNAL VC FORCES	MILITARY INCIDENTS AFFECTING HAMLET	VC HAMLET INTRA- STRUCTURE	VC VILLAGE INTRA- STRUCTURE	VC TERRORISM AND TAXATION	HAMLET CITIZENS' DEFENSE PLAN	FRIENDLY EXTERNAL FORCE ASSISTANCE	FRIENDLY HAMLET INTRA- STRUCTURE
Huag Knon Nam BS 725715	B-D-C	C-E-E	C-E-E	C-C-C	B-D-D	C-C-C	B-B-B	B-B-B	B-B-B
Xuan Quang 1 BS 707720	B-C-C	A-E-E	B-E-E	B-E-C	B-D-D	C-E-C	B-E-C	B-D-D	C-C-C
Phu Quang BS 731704	B-B-B	A-A-E	B-B-D	B-B-C	B-B-B	C-C-C	B-B-C	B-B-D	B-B-C
Thu Ia BS 732707	B-B-B	B-B-E	B-B-E	C-C-C	B-B-C	C-C-C	B-B-E	B-B-D	B-B-D
Phuoc Long BS 720700	B-B-B	A-A-D	C-C-C	B-B-B	B-B-B	C-C-C	B-B-C	B-D-D	B-B-C
Ha Khe BS 732695	B-B-B	B-B-D	B-B-E	C-C-C	B-B-B	C-C-C	B-B-C	B-B-D	B-B-C
Tan Dat BS 720690	B-B-B	B-B-E	B-B-E	C-C-C	B-B-B	C-C-C	B-B-C	B-B-D	B-B-C
Nha An Tay BS 616698	B-D-D	C-E-E	C-E-E	C-D-D	C-D-C	B-E-E	C-E-E	C-D-D	D-D-D

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S E C U R E

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POPULATION SECURITY/EMPLOYMENT SCORE

C O N T E S T E D

June	A	B	C	Non-Hamlet	Sub-Total	%	D	E	Non-Hamlet	Sub-Total	%
I	22,042	398,360	699,616	485,809	1,605,827	53.4	381,595	76,440	85,062	513,137	17.9
II	199,173	703,604	924,141	364,285	2,191,203	75.2	285,873	106,365	21,336	413,574	14.2
III	-0-	644,401	1,376,879	2,287,287	4,308,567	81.1	452,007	48,151	139,875	640,033	12.1
IV	268,231	1,382,434	1,359,930	140,001	3,150,596	53.1	856,751	171,346	44,622	1,072,719	16.1
EVN	489,446	3,128,799	4,360,566	3,277,382	11,256,193	65.5	1,976,226	402,342	290,895	2,669,463	15.6
Sept											
I	75,309	504,431	589,183	480,791	1,649,714	53.9	426,458	69,190	85,062	590,710	19.0
II	218,430	723,343	873,664	358,756	2,174,193	76.0	296,029	76,882	50,297	423,208	14.8
III	7,594	804,584	1,248,517	2,235,508	4,296,203	81.5	531,484	38,121	84,512	654,117	12.4
IV	345,488	1,457,389	1,332,899	60,123	3,195,899	54.8	833,300	153,016	32,812	1,019,128	17.5
EVN	646,821	3,489,747	4,044,263	3,135,178	11,316,009	66.5	2,087,271	337,209	252,683	2,677,163	15.7

V C

June	VC	Non-Hamlet	Sub-Total	%	Other	%	Total
I	826,786	27,121	853,909	28.4	2,943	.1	3,005,816
II	281,192	8,932	290,124	10.0	20,537	.7	2,915,438
III	241,576	66,261	307,837	5.8	54,557	1.0	3,310,994
IV	1,573,672	61,889	1,635,561	27.6	74,301	1.3	5,933,177
EVN	2,923,228	164,203	3,087,431	18.0	152,338	.9	17,165,425
Sept							
I	777,581	27,121	804,702	26.3	24,599	.8	3,059,725
II	225,341	9,936	235,277	8.2	29,893	1.1	2,862,571
III	235,986	37,854	293,840	5.6	28,641	.5	5,272,801
IV	1,550,604	59,194	1,609,798	27.6	8,611	.2	5,833,436
EVN	2,809,512	134,105	2,943,617	17.3	91,744	.5	17,028,533

CONFIDENTIAL

Incl 7

CHAPTER 1

BASIC PROVISIONS

Article 1. (1) Viet-Nam is a territorially indivisible, unified and independent Republic.

(2) Sovereignty resides in the whole people.

Article 2. (1) The State recognizes and guarantees the basic rights of all citizens.

(2) The State advocates equality of all citizens without discrimination as to sex, religion, race or political party. Minority compatriots will receive special support so that they can achieve the same rate of progress as the population as a whole.

(3) It is the duty of every citizen to serve the interests of the nation and the people.

Article 3. The function and powers of the legislative, executive and judicial branches of government must be clearly delineated.

Activities of these three branches must be coordinated and harmonized in order to realize public order and prosperity on the basis of freedom, democracy and social justice.

Article 4. (1) The Republic of Viet-Nam opposes Communism in any form.

(2) Every activity designed to publicize or carry out Communism is prohibited.

Article 5. (1) The Republic of Viet-Nam will comply with those provisions of international law which are not contrary to its national sovereignty and the principle of equality between nations.

(2) The Republic of Viet-Nam is determined to oppose all forms of aggression and strives to contribute to the building of international peace and security.

CHAPTER II

RIGHTS AND DUTIES OF CITIZENS

Article 6. (1) The State respects human dignity.

(2) The law protects the freedom, lives, property and honor of every citizen.

Article 7. (1) The State respects and protects the security of each individual and the right of every citizen to plead his case before a Court of Law.

(2) No one can be arrested or detained without a legal order issued by an agency with judicial powers conferred upon it by law, except in case of flagrant violation of the law.

(3) The accused and his next of kin must be informed of the accusation against him within the time limit prescribed by law. Detentions must be controlled by an agency of the Judiciary.

(4) No citizen can be tortured, threatened or forced to confess. A confession obtained by torture, threat or coercion will not be considered as valid evidence.

(5) A defendant is entitled to a speedy and public trial.

(6) A defendant has the right to a defense lawyer for counsel in every phase of the interrogation, including the preliminary investigation.

(7) Any person accused of a minor offense who does not have a record of more than three months imprisonment for an intentional crime may be released pending trial, provided that

he or she is employed and has a fixed residence. Women pregnant more than three months accused of minor offenses who are employed and have fixed residence can be released pending trial.

(8) Accused persons will be considered innocent until sentence recognizing their guilt is handed down.

In event of doubt, the court will rule in favor of the accused.

(9) If unjustly detained, a person has the right to demand compensation for damages from the State after he has been pronounced innocent, in accordance with the provisions of law.

(10) No one can be detained for indebtedness.

Article 8. (1) The private life, home and correspondence of every citizen must be respected.

(2) No one has the right to enter, search or confiscate the property of a person unless in possession of orders from a court or when necessary to the defense of security and public order according to the spirit of the law.

(3) Privacy of correspondence is protected by law. Any restriction imposed on this right must be determined by law.

Article 9. (1) The State respects and guarantees freedom of religious belief and freedom to preach and practice religion of every citizen as long as it does not violate the national interest and is not harmful to public safety and order or contrary to good morals.

(2) No religion is recognized as the State religion.

The State is impartial in the development of various religions.

Article 10. (1) The State recognizes freedom of education.

(2) Basic education is compulsory and free of charge.

(3) University education is autonomous.

(4) Talented persons who do not have means will be given aid and support to continue their studies.

(5) The State encourages and supports research and creative work by citizens in the fields of science, letters and the arts.

Article 11. (1) Culture and education must be considered matters of national policy, on a national, scientific and humanistic basis.

(2) An appropriate budget must be reserved for the development of culture and education.

Article 12. (1) The State recognizes freedom of thought, speech, press and publishing as long as it does not harm personal honor, national security or good morals.

(2) Censorship is abolished except for motion pictures and plays.

(3) Press regulations will be prescribed by law.

Article 13. (1) Every citizen has the right to meet and form associations in accordance with conditions and procedures prescribed by law.

(2) Every citizen has the right to vote, run for office and participate in public affairs on an equal basis and in accordance with conditions and procedures prescribed by law.

(3) The State respects the political rights of all citizens, including the right to petition freely and engage in overt, non-violent and legal opposition.

Article 14. Every citizen enjoys freedom to choose his place of residence and freedom of movement including the right to go and return from abroad. These freedoms can be restricted by law only for reasons of public health, security or defense.

Article 15. (1) Every citizen has the right and the duty to work and will receive fair remuneration enabling him and his family to live in dignity.

(2) The State will endeavor to create employment for all citizens.

Article 16. Freedom to join labor unions and to strike is respected within the framework and regulations prescribed by law.

Article 17. (1) The State recognizes the family as the foundation of society. The State encourages and facilitates the formation of families, and assists expectant mothers and infants.

(2) Marriage must be based on mutual consent, equality and cooperation.

(3) The State encourages family cohesion.

(2) No religion is recognized as the State religion.

The State is impartial in the development of various religions.

Article 10. (1) The State recognizes freedom of education.

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(3) Press regulations will be prescribed by law.

Article 13. (1) Every citizen has the right to meet and form associations in accordance with conditions and procedures prescribed by law.

Article 18. (1) The State endeavors to establish a system of social security.

(2) It is the duty of the State to establish a system of social welfare and public health.

(3) It is the duty of the State to support the nation's warriors both spiritually and materially, as well as to support and raise the nation's orphans.

Article 19. (1) The State recognizes and guarantees the right of private property.

(2) The State advocates a policy of making the people property owners.

(3) Expropriation or requisition by the State for the common good must be accompanied by speedy and just compensation at price levels existing at time of expropriation or requisition.

Article 20. (1) Freedom of trade and competition is recognized, but it cannot be exercised to secure monopoly or control of the market.

(2) The State encourages and assists economic cooperation which has the nature of mutual economic assistance.

(3) The State gives special support to those elements of society which have a low standard of living.

Article 21. The State advocates raising the standard of living for rural citizens, and especially helping farmers to have farmland.

Article 22. On the basis of equality between duties and rights, workers have the right to choose representatives to participate in the management of business enterprises, especially in matters concerning wages and conditions of work in accordance with framework and procedures prescribed by law.

Article 23. (1) Military personnel elected to public office or serving in positions in the central government must be demobilized or take leave of absence without salary, according to their choice.

(2) Military personnel on active duty are not permitted to engage in political party activity.

Article 24. (1) The State recognizes the presence of minorities in the Vietnamese community.

(2) The State respects the habits and customs of the minority compatriots. Customary courts will be established to pronounce judgments on some disputes involving habits and customs of minority compatriots.

(3) A law will prescribe special rights in order to assist minority compatriots.

Article 25. Every citizen has the duty to defend the constitution and respect the law.

Article 27. Every citizen has the duty to fulfill his military obligations as prescribed by law.

Article 28. Every citizen has the duty to pay taxes in accordance with the provisions of law.

Article 29. Any restriction upon the basic rights of the citizens must be prescribed by law and the time and place within which such a restriction is in force must be clearly specified. In any event the essence of all basic freedoms cannot be violated.

THE NATIONAL ASSEMBLY

Article 30. (1) Legislative authority is vested by the people in the National Assembly.

(2) The National Assembly includes two houses, the Lower House and the Upper House.

The Lower House

Article 31. (1) The Lower House includes from 100 to 200 Representatives.

(2) Representatives are elected by universal suffrage, direct and secret ballot. Candidates run as individuals from separate constituencies no larger than provinces.

(3) Representatives serve for four years. They may be re-elected.

(4) The election for a new Lower House will be completed at least one month prior to the completion of the term of the old Lower House.

Article 32. Citizens meeting the following qualifications may run for the Lower House:

(1) Vietnamese citizenship at birth or having held Vietnamese citizenship for at least seven years, or having recovered Vietnamese citizenship for at least five years, counting from the day of election;

(2) At least 25 years old on the day of election;

(3) Enjoying full rights of citizenship;

(4) Having draft status in order;

(5) Meeting other conditions specified in the electoral law.

Article 33. (1) The Upper House includes from 30 to 60 members.

(2) Senators are elected at large by universal suffrage, direct and secret ballot. Election is by list voting and on a basis of plurality. Each list includes from one-third to one-sixth of the total membership of the House.

(3) Senators serve for six years. One half of the Upper House is re-elected every three years. Senators may be re-elected.

(4) Members of the first Upper House will be divided into two groups by drawing lots. The first group will serve six years, the second group three years.

(5) The election of one half of the Upper House must take place at least two months before the term of that half of the Upper House ends.

Article 34. Candidates for the Upper House must be citizens thirty years of age by election day. They must meet all the conditions prescribed in the Upper House election law and those prescribed in Article 32.

Article 35. (1) If for any reason a vacancy occurs in the Lower House more than two years prior to the end of the term, an election will be held within three months to choose a replacement.

(2) If for any reason a vacancy occurs in the Upper House, the election of the replacement will be held concurrently with the next regular election of one-half of the Upper House.

Article 36. Procedures and conditions for the candidacies and election of Representatives and Senators, including ethnic minority Representatives, will be prescribed by law.

Article 37. (1) Representatives or Senators cannot be prosecuted, pursued, arrested or judged for any statement or vote in the National Assembly.

(2) During their entire term of office, Representatives and Senators cannot be prosecuted, pursued, arrested or judged without the approval of three-fourths of the total number of Representatives or Senators, except in cases of flagrant violation of the law.

(3) In cases of flagrant violation of the law prosecution or detention of Representatives and Senators must cease if the house concerned so decides.

(4) Representatives and Senators have the right to keep secret the origin of documents presented to the National Assembly.

(5) Responsibilities of Representatives and Senators are not compatible with any other elected position.

(6) Representatives and Senators may serve as instructors at universities and advanced technical schools.

(7) Under no circumstances may a Representative or Senator or his spouse participate in a bid or sign a contract with a government agency

Article 38. (1) In cases of treason or other serious crime, Representatives or Senators may be removed from office by the house concerned.

(2) Removal from office must be proposed by two-thirds of the total number of Representatives or Senators.

(3) The resolution to remove a member from office must be approved by three-quarters of the total number of Representatives or Senators.

(1) The Representative or Senator concerned has the right to
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defend himself in debate during all phases of the removal procedure.

Authority of the National Assembly

Article 39. The National Assembly has the authority to:

- (1) Vote legislation.
- (2) Ratify treaties and international agreements.
- (3) Determine declarations of war and holding of peace talks.
- (4) Determine declarations of a state of war.
- (5) Control the government in the carrying out of national policy.
- (6) Within the framework of each house, pass on the validation of the election of Representatives or Senators.

Article 40. (1) Each house with the agreement of third of its membership, has the right to request the Prime Minister or government officials to appear before it to answer questions regarding the execution of national policy.

(2) Committee chairmen in each house have the right to request government officials to appear before sessions of their committees to report on problems relating to various ministries.

Article 41. The Upper House has the right to open investigations regarding the execution of national policy and to request public agencies to produce documents necessary in its investigations.

Article 42. (1) The National Assembly has the right to recommend the replacement of part or all of the government by a two-thirds majority vote of the total number of Representatives and Senators.

has special reasons for rejecting it.

(3) In the event of rejection by the President, the National Assembly has the right to vote final approval of the recommendation by a three-quarters majority vote of the total number of Representatives and Senators. This recommendation by the National Assembly is binding from the day it is voted.

Legislative Procedure

Article 43. (1) Representatives and Senators have the right to introduce bills.

(2) The President may introduce bills.

(3) Bills must be submitted to the office of the Lower House.

(4) If the Lower House approves or rejects a bill, it must transmit the bill to the office of the Upper House within three consecutive days.

(5) If the Upper House agrees with the viewpoint of the Lower House, the bill will be transmitted to the President for promulgation or will be abolished.

(6) If the Upper House does not agree with the viewpoint of the Lower House, it must return the bill to the Lower House within three consecutive days along with an explanation for its action.

(7) In the latter case, the Lower House has the right to vote final approval of the bill with a two-thirds majority of its total membership.

thirds majority, the viewpoint of the Upper House will be considered as approved.

(9) The time limit for debating and voting on a bill in the Upper House may not exceed half the time required to debate and vote on the bill in the Lower House. The time limit for debating and voting on a bill in the Lower House may not exceed twice the time required to debate and vote on the bill in the Upper House.

Article 44. (1) Bills approved by the National Assembly will be transmitted to the President within three consecutive days.

(2) The President must promulgate the law within 15 days from the date of receipt.

(3) If the National Assembly appraises the matter as urgent, the bill must be promulgated within seven consecutive days.

(4) If the President does not promulgate the bill within the specified period of time, the bill will automatically become law and will be promulgated by the Chairman of the Upper House.

Article 45. (1) Within the period allowed for promulgation the President has the right to send a message outlining his reasons and requesting the National Assembly to reconsider one or more articles of the bill.

(2) In this case, the National Assembly will meet in joint plenary session to vote final approval of the bill with an absolute majority of the total number of Representatives and

Senators. If the National Assembly votes to reject the

amendment proposed by the President, the bill will automatically become law and will be transmitted to the President for promulgation.

Article 46. (1) The draft budget must be submitted to the office of the Lower House prior to September 30.

(2) Representatives and Senators have the right to propose additional expenditures but must at the same time propose equivalent new receipts.

(3) The Lower House must vote on the budget prior to November 30 and transmit the approved version to the Upper House by December 1 at the latest.

(4) The Upper House must vote on the draft budget before December 31.

(5) During the above mentioned period, if the Upper House reconsiders one or more provisions of the draft budget, then the procedures outlined in Article 43 will be applied. In the event that the draft budget has not been finally voted by December 31, the President has the right to sign a decree authorizing expenditure of one-twelfth of the previous budget until the Lower House has voted final approval of the draft budget.

Regulations

Article 47. (1) Each house will meet in regular and extraordinary sessions.

sessions: one session beginning on the first Monday of April; the other beginning on the first Monday of October. A session cannot last for more than ninety days. However, the Lower House can prolong its session in order to vote final approval of the draft budget.

(3) Either house may meet in extraordinary sessions when so requested by the President or one-third of the Representatives or Senators. When extraordinary sessions are convened by the President, the President will set the agenda.

Article 48. (1) Each house will meet in open session except when more than half the members present in the house request a closed session.

(2) In open sessions complete reports of the debate and documents presented will be printed in the official journal.

Article 49. (1) Each house will elect its Chairman and permanent officers.

(2) Each house may establish permanent committees.

(3) Each house is responsible for establishing its own internal rules.

(4) The offices of the two houses will meet together to determine procedures for maintaining liaison between houses.

Article 50. (1) The Chairman of the Upper House will convene and preside over joint plenary sessions of both houses.

(2) If the Chairman of the Upper House is unable to perform this function, it will be carried out by the Chairman of the Lower House.

CHAPTER IV

THE EXECUTIVE

The President

Article 51. Executive authority is vested by the people in the President.

Article 52. (1) The President and Vice-President run together on one list and are elected by the entire nation by direct and secret ballot.

(2) The term of office of the President and Vice-President is four years. The President and Vice-President can be re-elected once.

(3) The term of office of the President and Vice-President ends precisely at 12:00 noon on the last day of the forty-eighth month from the day they took office, and the term of the new President and Vice-President begins at that time.

(4) The election of the new President and new Vice-President will be held on a Sunday, four weeks before the term of the incumbent President ends.

Article 53. Citizens who fulfill the following conditions may run for President or Vice-President:

(1) Must have Vietnamese citizenship from day of birth and continuous residence in Viet-Nam for at least ten years as of the date of the election. Time spent abroad on official assignment or in political exile is considered as residence in Viet-Nam;

(2) Must be 35 years of age as of election day;

(3) Must have legal draft status;

(4) Must enjoy full rights of citizenship.

(5) Must meet all other conditions set forth in the Presidential and Vice-Presidential election law.

Article 54. (1) The Supreme Court will establish a list of candidates, will control the fairness of the election, and will announce the result.

(2) Candidates will receive equal means in the electoral campaign.

(3) Procedures and conditions governing candidacies and election of the President and Vice-President will be prescribed by law.

Article 55. When assuming office, the President, witnessed by the Supreme Court and National Assembly, shall take the following oath before the nation: "I solemnly swear before the Nation to protect the Fatherland, respect the Constitution, serve the interests of the People, and to the best of my ability fulfill my duties as President of the Republic of Viet-Nam."

Article 56. (1) The duties of the President and Vice-President may terminate prior to the end of their terms of office in the following circumstances:

- (a) Death;
- (b) Resignation;
- (c) Impeachment;
- (d) Serious and prolonged illness such that the incumbent can no longer carry out his duties. This disability must be recognized by three-fourths of the total membership of the two houses of the National Assembly after complete medical examination.

(2) In the event that the duties of the President are terminated more than one year prior to the end of his term of office, the Vice-President will temporarily assume the Presidency for a period not to exceed three months in order to organize the election of a new President and new Vice-President for a new term of office.

(3) In the event that the duties of the President are terminated within one year prior to the end of his term of office, the Vice-President shall assume the Presidency for the remainder of the term, except in cases of impeachment of the President.

(4) If for any reason the Vice-President is unable to assume the Presidency, the Chairman of the Upper House will assume the office for a period not to exceed three months in order to organize the election of a new President and new Vice-President for a new term of office.

Article 57. The President promulgates laws within the period determined in Article 44.

Article 58. (1) The President appoints the Prime Minister. Upon the proposal of the Prime Minister, the President appoints members of the government.

(2) The President has the right to reorganize all or part of the government on his own initiative, or upon the recommendation of the National Assembly.

Article 59. (1) The President appoints, with the approval of the Upper House, Chiefs of Diplomatic Missions and Rectors of Universities.

(2) The President represents the Nation in international relations and receives the letters of accreditation of diplomatic envoys.

(3) The President signs and, after ratification by the National Assembly, promulgates treaties and international agreements.

Article 60. The President is the Supreme Commander of the Armed Forces of the Republic of Viet-Nam.

Article 61. (1) The President grants all types of decorations.

(2) The President has the right to grant amnesty and pardon for criminals.

Article 62. (1) The President determines national policy.

(2) The President presides over the Council of Ministers.

Article 63. (1) The President communicates with the National Assembly by message. In each regular session, and whenever the President considers it necessary, he will advise the National Assembly of the situation in the country and of the government's domestic and foreign policies.

(2) The Prime Minister and other government officials may participate in sessions of the National Assembly or its committees in order to present and explain matters relating to national policy and its execution.

Article 64. (1) In special situations, the President may sign decrees

declaring states of emergency, curfew or alert over part or all of the territory of the country.

(2) The National Assembly must meet no later than twelve days after the date of promulgation of the decree in order to ratify, amend or reject it.

(3) If the National Assembly rejects or amends the President's decree, the special situations which were decreed will end or be modified accordingly.

Article 65. In a state of war, and when elections cannot be held, the President, with the approval of two-thirds of the National Assembly, has the right to prolong the terms of office of some of the elected bodies of the country and to appoint some province chiefs.

Article 66. (1) The Vice-President is Chairman of the Culture and Education Council, the Economic and Social Council and the Ethnic Minority Council.

(2) The Vice-President cannot hold any other position in the government.

Article 67. (1) The Prime Minister directs the government and the administrative agencies of the nation.

(2) The Prime Minister is responsible before the President for carrying out national policy.

Article 68. (1) The President, Vice-President, Prime Minister and members of the government cannot hold any position in the private sector whether it is remunerated or not.

(2) Spouses of persons holding the above positions may not participate in government bids or contracts.

Article 69. (1) It is the task of the National Security Council to:
examine all matters relating to national defense; propose measures appropriate to the maintenance of national security; propose the declaration of states of emergency, curfew, alert or war; propose declarations of war or the holding of peace talks.

(2) The President is Chairman of the National Security Council.

(3) A law shall prescribe the organization and procedures of the National Security Council.

Local Administration

Article 70. (1) The principle of local separation of power is recognized for legal regional entities: Villages, Provinces, Cities, and the Capital.

(2) The organization and regulation of local administration shall be prescribed by law.

Article 71. (1) Deliberative bodies and the heads of executive agencies of local administrative units will be popularly elected by direct and secret ballot.

(2) At the village level, Village Chiefs may be elected by Village Councils from among Village Council members.

Article 72. The heads of executive agencies of local administrative units are:

Provinces - Province Chief;

Cities - Mayor;

Capital - Mayor.

Article 73. The deliberative bodies of local administrative units are:

Villages - Village Council;

Provinces - Province Council;

Cities - Municipal Council;

Capital - Municipal Council.

Article 74. The government will appoint two civil servants who have the responsibility to assist Mayors, Province Chief and Village Chiefs in administrative and security matters, as well as other administrative personnel.

Article 75. Members of deliberative bodies and heads of executive agencies of local administrative units may be dismissed by the President if they violate the Constitution, laws of the nation, or national policy.

THE JUDICIARY

Article 76. (1) Independent judicial power is vested in the Supreme Court and is exercised by judges.

(2) A law shall establish the organization and administration of the Judiciary.

Article 77. Every court must be established by law with an element that judges and an element that prosecutes, both of which are professionally qualified. Courts must respect rights of defense.

Article 78. (1) The responsibilities of Presiding Judges and Prosecuting Judges are clearly delineated, and the two are governed by separate regulations.

(2) Presiding Judges make decisions according to their consciences and the law, under the control of the Supreme Court.

(3) Prosecuting Judges monitor the application of the law in order to protect public order, under the control of the Ministry of Justice.

Article 79. Presiding Judges can be relieved of their functions only in cases of mental and physical incapacity, conviction, or violation of discipline.

The Supreme Court

Article 80. (1) The Supreme Court includes from nine to

fifteen judges chosen by the National Assembly and appointed

by the President from a list elected by the Association of Judges, Association of Prosecutors and Association of Lawyers.

(2) Judges of the Supreme Court must be judges or lawyers who have served at least ten years in the judiciary.

(3) The Term of office of Judges of the Supreme Court is six years.

(4) The numbers of electors of the Association of Judges, Association of Prosecutors and Association of Lawyers must be equal.

(5) The organization and regulation of the Supreme Court will be prescribed by law.

Article 81. (1) The Supreme Court is empowered to interpret the Constitution, to decide on the constitutionality of all laws and decree-laws, and to decide on the constitutionality and legality of decrees and administrative decisions.

(2) The Supreme Court is empowered to decide on the dissolution of a political party whose policy and activities oppose the republican form of government.

(3) In these cases, the Supreme Court will meet in plenary session. Representatives of the legislative and executive branches may participate in order to present their viewpoints.

(4) Decisions declaring the unconstitutionality of a law or the dissolution of a political party require a three-fourths vote of the total number of Supreme Court judges.

Article 82. The Supreme Court is empowered to decide appeals from lower courts.

Article 83. The Supreme Court has a separate budget and is empowered to establish regulations governing the judiciary.

Article 84. (1) The Judicial Council has the following responsibilities:

To propose the appointment, promotion, transfer and disciplining of judges;

To advise the Supreme Court in matters relating to the judiciary.

(2) The Judicial Council will be composed of judges elected by the Association of Judges.

(3) The organization and regulation of the Judicial Council will be prescribed by law.

Special Court

Article 85. The Special Court is empowered to remove from office the President, Vice-President, Prime Minister, Ministers, Secretaries of State, Supreme Court Judges and members of the Inspectorate in cases of treason or other high crime.

Article 86. (1) The Special Court is chaired by the Chairman of the Supreme Court and consists of five Representatives and five Senators.

Article 87. (1) A motion to bring charges and citing reasons therefor must be signed by more than one half of the total number of Representatives and Senators. The motion must be approved by a two-thirds majority vote of the total number of Representatives and Senators. In the particular case of the President and Vice-President, the motion must be signed by a two-thirds of the total number of Representatives and Senators and it must be approved by a majority vote of three-fourths of the total number of Representatives and Senators.

(2) The functions of the accused must be suspended from the date of approval of the motion by the National Assembly until the decision of the Special Court is rendered.

(3) The Special Court decides removal from office by a three-fourths vote of its membership. In the particular case of the President and Vice-President, the decision must be by a four-fifths vote of the total membership.

(4) The accused will enjoy the right of defense during the entire proceedings.

(5) After having been removed from office, the accused may be tried by an ordinary court.

(6) The organization, administration and procedures of the Special Court will be prescribed by law.

Inspectorate

Article 88. The Inspectorate is empowered to:

(1) Inspect, control and investigate personnel of all public and private agencies directly or indirectly engaged in corruption, speculation, influence-peddling or acts harmful to the national interest;

(2) Inspect accounts of public agencies and commercial enterprises;

(3) Audit the property of personnel of public agencies including the President, Vice-President, Prime Minister, National Assembly members, and the Chairman of the Supreme Court.

(4) In the cases of the Chairman and members of the Inspectorate, the audit of personal property will be conducted by the Supreme Court.

Article 89. (1) The Inspectorate is empowered to propose disciplinary measures against guilty persons or to request prosecution by competent courts.

(2) The Inspectorate has the right to announce publicly the results of its investigations.

Article 90. (1) The Inspectorate includes from nine to eighteen Inspectors, one-third designated by the National Assembly, one-third by the President, and one-third by the Supreme Court.

(2) Inspectors will enjoy those guarantees necessary for them to carry out their duties.

Article 91. (1) The Inspectorate has an autonomous budget and is empowered to establish regulations governing its internal organization and the Inspectorate branch.

(2) The organization and regulation of the Inspectorate will be prescribed by law.

Armed Forces Council

Article 92. (1) The Armed Forces Council advises the President in matters relating to the Armed Forces, especially promotion, transfer, and disciplining of soldiers of all ranks.

(2) The organization and regulation of the Armed Forces Council will be prescribed by law.

Culture and Education Council

Article 93. (1) The Culture and Education Council has the responsibility to advise the government in the drafting and execution of cultural and educational policy. A National Academy will be established.

(2) With the approval of the National Assembly, the Culture and Education Council may select representatives to brief the National Assembly on related matters.

(3) The Culture and Education Council may contribute ideas before the National Assembly debates laws relating to culture and education.

Article 94. (1) The membership of the Culture and Education Council includes:

One-third designated by the President;

Two-thirds elected by public and private cultural and educational organizations and by parent-teacher associations.

(2) The term of office of the Culture and Education Council is four years.

(3) The organization and regulations of the Culture and Education Council will be prescribed by law.

Economic and Social Council

Article 95. (1) The Economic and Social Council has the responsibility to advise the government in economic and social matters.

(2) With the approval of the National Assembly, the Economic and Social Council may select representatives to brief the National Assembly on related matters.

(3) The Economic and Social Council may contribute ideas before draft laws and economic and social programs are debated.

Article 96. (1) The membership of the Economic and Social Council includes:

One-third designated by the President;

Two-thirds nominated by industrial and commercial organizations, and by labor unions and associations having an economic and social character.

(2) The term of office of the Economic and Social Council is four years.

(3) The organization and regulation of the Economic and Social Council will be prescribed by law.

Ethnic Council

Article 97. (1) The Ethnic Council, representing the ethnic minorities living on the territory of Vietnam, has the responsibility to advise the government in matters affecting ethnic minorities.

(2) With the approval of the National Assembly, the Ethnic Council may select representatives to brief the National Assembly on related matters.

(3) The Ethnic Council may contribute ideas before draft laws, programs and plans affecting ethnic minorities are debated.

Article 98. (1) The membership of the Ethnic Council includes:

One-third designated by the President;

Two-thirds elected by the ethnic minorities.

(2) The term of office of the Ethnic Council is four years.

(3) The organization and regulations of the Ethnic Council will be prescribed by law.

POLITICAL PARTIES AND OPPOSITION

Article 99. (1) The Nation recognizes that political parties have an essential role in a democratic system.

(2) Political parties may be organized and may operate freely, according to the procedures and conditions prescribed by law.

Article 100. The Nation encourages progress toward a two-party system.

Article 101. The Nation recognizes the formalization of political opposition.

Article 102. Regulations governing political parties and political opposition will be prescribed by law.

CHAPTER IX

TRANSITIONAL PROVISIONS

Article 108. The constitution takes effect from the date it is promulgated, and the Provisional Charter of June 19, 1965, is automatically invalidated.

Article 109. During the transitional period, the National Assembly popularly elected on September 11, 1966, representing the people of the nation in the legislative sphere, will:

1. Draft and approve:

Election laws for the election of the President and Vice-President, Upper House and Lower House; laws organizing the Supreme Court and the Inspectorate; political party and press regulations.

2. Ratify treaties.

Article 110. From the time the first President and Vice-President take office, the Assembly popularly elected on September 11, 1966, assumes legislative powers until the first National Legislative Assembly is convened.

Article 111. During the transitional period, the National Leadership Committee and the Central Executive Committee will continue in power until the first President and Vice-President take office.

Article 112. During the transitional period, Courts presently in operation will continue to exercise judicial authority until

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the judicial organs prescribed in this constitution are established.

Article 113. The Assembly elected on September 11, 1966, will establish a list of candidates, will control the propriety and will announce the result of the election of the first President and Vice-President.

Article 114. During the first Presidential term, the President may appoint province chiefs.

Article 115. The election of the President and Vice-President must be organized no later than six months from the date of promulgation of this constitution.

Article 116. The election of the National Assembly and the organization of the Supreme Court and Inspectorate must be carried out no later than twelve months from the date the first President assumes office.

Article 117. The other structures prescribed by the constitution must be established no later than two years from the date the first National Assembly is established.

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